

84TH CONGRESS }
2d Session }

HOUSE OF REPRESENTATIVES

REPORT
No. 1769

RELATING TO THE ISSUANCE OF CERTAIN PATENTS IN FEE TO LANDS WITHIN THE BLACKFEET INDIAN RESERVATION, MONT.

FEBRUARY 16, 1956.—Committed to the Committee of the Whole House and
ordered to be printed

Mr. ENGLE, from the Committee on Interior and Insular Affairs,
submitted the following

REPORT

[To accompany H. R. 4604]

The Committee on Interior and Insular Affairs, to whom was referred the bill (H. R. 4604) relating to the issuance of certain patents in fee to lands within the Blackfeet Indian Reservation, Mont., having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

That the Secretary of the Interior is authorized, on application therefor, to issue to each holder of an exchange assignment on the Blackfeet Indian Reservation, Montana, a patent to the lands that are covered by such exchange assignment. The patent shall include all oil, gas, coal, and other minerals in the land unless the Indian to whom the patent is issued reserved the right to such minerals in the land that was transferred by him to the tribe, or unless he did not have the right to such minerals in the land so transferred. The patent shall be a patent in fee if in the judgment of the Secretary the applicant is able to manage his own affairs without governmental assistance, and shall be a trust patent if the Secretary determines that the applicant needs governmental assistance in handling his affairs. Any trust created by such patent may be terminated by the Secretary when in his judgment the need therefor has ended.

EXPLANATION OF THE BILL

H. R. 4604, introduced by Congressman Metcalf, and as amended to conform to recommendations of the Department of the Interior, relates to the issuance of certain patents-in-fee to lands located within the Blackfeet Indian Reservation in Montana. The lands involved are owned by the tribe but are assigned to individual Indians.

2 ISSUANCE OF LANDS TO BLACKFEET INDIAN RESERVATION, MONT.

The amended bill authorizes the Secretary of the Interior upon individual application to issue to each holder of an exchange assignment on the Blackfeet Indian Reservation a patent to the lands covered by exchange assignments issued under the tribal constitution. Subject to the approval of the tribal council, these exchange assignments give the holder a right of occupancy and use with certain conditional rights to leasing and to designate successors. Historically they were issued in exchange for conveyances to the tribe of title to the same or other land that was owned by individual Indians.

The bill, as amended, provides that the patent shall include all oil, gas, coal, and other minerals in the land unless the Indian to whom the patent is issued reserved the right to the minerals in the land that was previously transferred to him by the tribe or unless he did not have the right to the minerals in the land so transferred.

The patent shall be in fee in cases where the Secretary of the Interior believes the applicants to be legally competent and shall be a trust patent if the applicants are considered legally incompetent. The bill provides that the trust so created may be terminated when the patentee becomes legally competent.

The report of the Department of the Interior dated July 13, 1955, is as follows:

UNITED STATES DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington 25, D. C., July 13, 1955.

Hon. CLAIR ENGLE,
*Chairman, Committee on Interior and Insular Affairs,
House of Representatives, Washington 25, D. C.*

MY DEAR MR. ENGLE: Your committee has requested a report on H. R. 4604, a bill relating to the issuance of certain patents in fee to lands within the Blackfeet Indian Reservation, Mont.

We recommend that the bill be enacted if it is amended as suggested below.

The bill directs the Secretary of the Interior to issue to each of 12 specified persons a patent in fee to the land described after his name. The patent would reserve to the tribe the minerals in the land.

The lands involved are owned by the tribe but are assigned to the 12 persons named in the bill by exchange assignments that were issued under article VII, section 6, of the tribal constitution. These exchange assignments give the holder a right of occupancy and use with certain conditional rights to lease and to designate successors, subject to approval of the tribal council. They were issued in exchange for conveyances to the tribe of title to the same or other land that was owned by the individual Indians.

The Blackfeet Tribal Council by resolutions No. 33-54 dated September 2, 1954, and No. 80-54 dated February 15, 1955, requested the enactment of appropriate legislation to give the 12 designated Indians title to the lands they now hold under exchange assignments, reserving the minerals in such lands to the tribe. We understand that these 12 persons are all of the Indians who presently hold exchange assignments. We concur in the proposal to give them more secure tenure and ownership rights.

The bill requires the issuance of patents in fee. Inasmuch as we do not have reports regarding the competency of all of the individuals named, we recommend that the bill be amended to authorize the issuance of a patent in fee to the holder of the exchange assignment if he is able to manage his own affairs without governmental assistance, and the issuance of a trust patent if he needs assistance.

In order to avoid the necessity for checking recorded land descriptions, and in order to make certain that the bill applies to all holders of exchange assignments, we recommend that the bill be amended to use general language rather than refer to the 12 individuals. We also suggest that the Secretary be directed to issue trust or fee patents only upon application of the Indian concerned. This will remove any basis for opposition on the part of the individual Indian.

The bill requires that the minerals in the land be reserved to the tribe. Although this provision is in accord with the tribal resolutions, we believe that such

reservation would be fair only if the Indian reserved or did not own the minerals in the land that was conveyed to the tribe in exchange for the assignment. If the Indian conveyed no minerals to the tribe he is not entitled to the minerals in the land that was acquired by exchange. If he conveyed minerals to the tribe, however, he should receive the minerals in the land covered by the exchange assignment.

These recommended amendments can be made by deleting everything after the enacting clause and by inserting in lieu thereof the following: "the Secretary of the Interior is authorized, on application therefor, to issue to each holder of an exchange assignment on the Blackfeet Indian Reservation, Montana, a patent to the lands that are covered by such exchange assignment. The patent shall include all oil, gas, coal, and other minerals in the land unless the Indian to whom the patent is issued reserved the right to such minerals in the land that was transferred by him to the tribe, or unless he did not have the right to such minerals in the land so transferred. The patent shall be a patent in fee if in the judgment of the Secretary the applicant is able to manage his own affairs without governmental assistance, and shall be a trust patent if the Secretary determines that the applicant needs governmental assistance in handling his affairs. Any trust created by such patent may be terminated by the Secretary when in his judgment the need therefor has ended."

The Bureau of the Budget has advised that there is no objection to the submission of this report to your committee.

Sincerely yours,

FRED G. AANDAHL,
Assistant Secretary of the Interior.

The Committee on Interior and Insular Affairs recommends enactment of H. R. 4604, as amended.



